

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**March 1, 2010 – 4:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
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Present: Carl Ford, Chairman

Jon Barber, Member

Raymond Coltrain, Member

Tina Hall, Member

Absent: Chad Mitchell, Vice-Chairman

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Chairman Ford stated that Commissioner Mitchell was absent due to traveling with a group of high school students.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the February 15, 2010 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

Commissioner Barber moved to add an item regarding a grant application for Rowan Public Library. The motion was seconded by Commissioner Coltrain and passed unanimously. Chairman Ford added the issue as agenda item #6a.

Commissioner Hall requested to pull Consent Agenda item E (Set Public Hearing for March 15, 2010 to Consider Proposed Text Amendments to Rowan County Farmland Preservation Ordinance) for discussion. Chairman Ford added the issue as agenda item #6b.

## **CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

## **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

### **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Reschedule Public Hearing for March 15, 2010 for Proposed Road Name of Gemini Drive
- B. Proclamation Declaring March 2010 as Brain Injury Awareness Month

The Proclamation read as follows:

WHEREAS, traumatic brain injury is a serious, national public health epidemic resulting in long-term disability for approximately 5.3 million Americans; and

WHEREAS, in 2008, there were 65,989 emergency department visits related to traumatic brain injuries in North Carolina, with an average of 25% of these among adults 65 years and older; and

WHEREAS, falls are a leading cause of brain-related injuries in North Carolina; and

WHEREAS, in North Carolina in 2008, there were 10,151 motor vehicle-related emergency department visits due to traumatic brain injuries, 66% of which were among persons from age 15 to 44; and

WHEREAS, North Carolina has approximately 86,000 active military personnel and the fourth largest military population in the United States; and

WHEREAS, up to 18% of service members returning from the wars in Iraq and Afghanistan have been diagnosed with or have shown signs of brain injuries; and

WHEREAS, approximately 300,000 sports-related brain injuries occur each year and because the signs of brain injuries are not always well recognized, athletes may put themselves at risk for another injury; and

WHEREAS, a concussion, or mild brain injury, does not necessarily result in loss of consciousness and often goes undetected; and

WHEREAS, prevention is the only known cure; and

WHEREAS, the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services as the lead state agency, the Brain Injury Advisory Council, the Brain Injury Association of North Carolina and Brain Injury Support Groups across North Carolina strive to make prevention and safety measures part of the culture in North Carolina.

NOW, THEREFORE, BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby recognize the month of March 2010 as "BRAIN INJURY AWARENESS MONTH"

in Rowan County and encourages all citizens and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and prevention of brain injuries.

- C. Resolution of Intent to Close National Guard Road as a Public Road and to Set Public Hearing for April 5, 2010
- D. Set Public Hearing for March 15, 2010 for 2011 Community Transportation Grant Application
- E. Set Public Hearing for March 15, 2010 to Consider Proposed Text Amendments to Rowan County Farmland Preservation Ordinance (moved to agenda item #6b)

## **2. PUBLIC COMMENT PERIOD**

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Jeff Vail applauded the Board for its stance regarding eminent domain.
- Jim Sides spoke regarding eminent domain and said he felt the law, as well as county ordinances should be changed. Mr. Sides said he also felt said the county's ordinances should be strengthened more than the proposed action to be taken in the current meeting.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

## **3. PUBLIC HEARING FOR YMCA INDUSTRIAL REVENUE BOND REFINANCING**

Attorney Steve Cordell of McGuire Woods, LLP explained that in 2002 the Rowan County Industrial Facilities and Pollution Control Financing Authority (Authority) issued bonds just under \$8 million and loaned the proceeds to the YMCA to build a new facility and also make renovations to an existing facility. Mr. Cordell said due to changes in the law in the stimulus provision, it was in the YMCA's best interest to restructure the current deal and refinance the project.

Mr. Cordell said the Authority issued publicly sold bonds with interest at a variable rate. The bonds were backed by a letter of credit from Wachovia Bank, which was what the investors were buying. Mr. Cordell said due to changes in the law, it had become more economical to refund the outstanding amount of the bonds, eliminate the letter of credit and sell the bonds directly to Wachovia. Mr. Cordell said Wachovia could hold the bonds directly.

Mr. Cordell reported that the debt had started at approximately \$7.8 million, which had been paid down a couple million. Mr. Cordell said the YMCA planned to pay an additional \$3 million on the debt.

Mr. Cordell said the Authority was being asked to issue up to \$3 million of refunding bonds. Mr. Cordell said the actual issuance amount would be

approximately \$2.6 to \$2.7 million. Mr. Cordell said the YMCA would pay off the existing bonds through entering into a new direct loan with Wachovia.

Mr. Cordell said federal and state laws required the Board of Commissioners to hold a public hearing for the Authority to issue these types of bonds and the Board was also required to approve the project in principal and also approve the issuance of bonds. Mr. Cordell explained that the County had no financial obligation on the existing debt or the new debt. Mr. Cordell said the Authority would have no financial responsibility and that the fiscal responsibility would fall solely with the YMCA.

Mr. Cordell said the Board would first have to hold a public hearing and then consider approval of a resolution for the project.

Chairman Ford opened the public hearing to receive citizen input regarding the YMCA Industrial Revenue Bond Refinancing.

With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Hall commented that she had attended the Authority meeting earlier in the day. At the request of Commissioner Hall, Mr. Cordell explained the relaxed provisions were at the federal level. Mr. Cordell said the federal stimulus bill relaxed restrictions on the banks ability to buy and hold these bonds directly without having to incur some costs. Mr. Cordell said the temporary relaxed restrictions would end at the end of 2010. Mr. Cordell said it was advantageous to the program in that the rate was fixed for a five (5) year period, as opposed to the annual renewal for the letters of credit. Mr. Cordell said the bank was committed to hold the bonds for five (5) years and at the end of the five-year period, renegotiations would occur.

Commissioner Barber moved approval of the resolution and the project. The motion was seconded by Commissioner Coltrain and passed unanimously.

The resolution read as follows:

**"RESOLUTION APPROVING THE ISSUANCE OF \$3,000,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF TAX-EXEMPT ADJUSTABLE MODE RECREATIONAL FACILITIES REVENUE BONDS (ROWAN COUNTY YMCA PROJECT), SERIES 2010 OF THE ROWAN COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A SPECIAL PURPOSE PROJECT IN ROWAN COUNTY FOR THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF ROWAN COUNTY, N.C., INC. AND APPROVING THE PROJECT"**

BE IT RESOLVED by the Board of Commissioners for the County of Rowan (the "*Board*"):

Section 1. The Board has determined and does hereby declare as follows:

The Board of Commissioners of The Rowan County Industrial Facilities and Pollution Control Financing Authority (herein referred to as the "*Authority*") has met and approved the following documents in connection with the proposed issuance and sale of the Authority's Tax-Exempt Adjustable Mode Recreational Facilities Revenue Bonds (Rowan County YMCA Project), Series 2010 (the "*Bonds*"), in the maximum aggregate principal amount of \$3,000,000:

1. Form of Indenture of Trust dated as of March 1, 2010 (the "*Indenture*") by and between the Authority and Wells Fargo Bank, National Association (the "*Trustee*") relating to the refinancing of a special purpose project of The Young Men's Christian Association of Rowan County, N.C., Inc. (the "*Company*") in Rowan County, North Carolina;
2. Form of Loan Agreement dated as of March 1, 2010 (the "*Loan Agreement*") by and between the Authority and the Company;
3. Form of Continuing Covenant Agreement dated as of March 1, 2010 by and between the Company and Wachovia Bank, National Association (the "*Bank*"); and
4. Deed of Trust, Assignment of Rents, Security Agreement and Financing Statement dated as of March 1, 2010 from the Company to the trustee named therein for the benefit of the Bank.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-8(c) of the General Statutes of North Carolina, the Board hereby approves in principal the issuance of the Bonds for the purpose of refinancing the special purpose project as contemplated by the Indenture and the Loan Agreement.

Section 3. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina, the Board hereby approves the issuance by the Authority of its Tax-Exempt Adjustable Mode Recreational Facilities Revenue Bonds (Rowan County YMCA Project), Series 2010 in the maximum aggregate principal amount of \$3,000,000.

Section 4. This resolution shall take effect immediately upon its passage.

#### **4. PUBLIC HEARING FOR PROPOSED TEXT AMENDMENTS TO CHAPTER 2 (ADMINISTRATION) OF THE ROWAN COUNTY CODE OF ORDINANCES**

Planning and Development Director Ed Muire reviewed the proposed text amendments. Mr. Muire said the text amendments were a result of a resolution adopted in November 2009.

Mr. Muire recalled that the Board wanted a more definitive policy applicable to future Commissions regarding use of eminent domain.

Mr. Muire said if approved, the amendments would be incorporated within Chapter 2 of the Rowan County Code of Ordinances.

The text amendments were submitted as follows:

##### **Chapter 2      ADMINISTRATION**

The Rowan County Code of Ordinances is hereby amended by adding an article and sections, to be numbered Article IV Sections 2-250 through 2-256, which reads as follows:

##### **ARTICLE IV.    EMINENT DOMAIN**

##### **Sec. 2-250. Purpose.**

The purposes and objectives for which this Article is adopted include the following:

- (1) To provide protection for Rowan County landowners from forced access to their property for development of greenways or public trails by means of eminent domain.
- (2) To prohibit the use of eminent domain for taking private property without consent of the owner and using said property for economic development.

##### **Sec. 2-251. Definitions.**

For the purposes of this Article, certain words or terms used herein shall be defined as follows:

*Condemnation* as defined in NCGS 40A-2(1) means the procedure prescribed by law for exercising the power of eminent domain.

*Condemnors, Private* means those listed in NCGS 40A-3(a).

*Condemnors, Local Public* means those listed in NCGS 40-3(b).

*Condemnors, Other Public* means those listed in NCGS 40-3(c).

*Economic Development* means making appropriations available for aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants; encouraging the building of railroads or other purposes which, in the discretion of the County Commissioners, will increase the population, taxable property, agricultural industries and business prospects of Rowan County. These appropriations may be funded by the levy of property taxes pursuant to NCGS 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

*Eminent Domain* as defined in NCGS 40A-2(3) means the power to divest right, title, or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title, or interest divested.

*Owner* as defined in NCGS 40A-2(5) includes the plural when appropriate and means any person having an interest or estate in the property.

*Property* as defined by NCGS 40A-2(7) means any right, title, or interest in land, including leases and options to buy or sell and also includes rights of access, rights-of-way, easements, water rights, air rights, and any other privilege or appurtenance in or to the possession, use and enjoyment of land.

**Section 2-252. Authority and Jurisdiction.**

This Article is adopted under the authority and provisions of NCGS 153A-121 and 153A-122 and shall be applicable outside the incorporated areas and extraterritorial zoning jurisdictions of any municipality within Rowan County.

**Section 2-253. Applicability.**

Pursuant to this Article, the Rowan County Board of Commissioners will not utilize authority vested by NCGS 40A, Articles 1-5 to:

- (1) Endorse, pursue, and support (financially or otherwise) the acquisition of property through eminent domain for development of greenways or public trails by any local agency or jurisdiction; state or national agency; and private or other public condemnors.
- (2) Acquire, condemn or take an owner's property in order to convey an interest in the property to a private person, developer, partnership, corporation or any other entity for economic development.

**Section 2-254. Exceptions to Applicability**

Nothing in this Article shall be construed to prevent or restrict Rowan County or the Board of Commissioners from:

- (1) Lawfully exercising the powers of eminent domain authorized by NCGS 40A not expressly limited by this Article.
- (2) Engaging in community development programs and activities authorized by NCGS 153A-376; acquiring and disposing of property for redevelopment in accordance with NCGS 153A-377; and participating in low- and moderate-income housing programs as provided by NCGS 153-378.
- (3) Participating and providing for economic development initiatives authorized by NCGS 158-7.1 through 158-7.4.

**Section 2-255. Severability.**

If any portion, provision or section of this Article is found by a court to be invalid, the decision of the court shall be applicable only to the portion, provision or section in question. The remainder of this Article not affected by the court's decision shall remain in full force and effect.

**Section 2-256. Effective Date.**

This Article shall take effect and be in full force from and after \_\_\_\_\_, 2010.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed text amendments to Chapter 2 (Administration) of the Rowan County Code of Ordinances. The following individuals came forward:

- Jim Sides said the particular ordinance in question was not a law. Mr. Sides said the ordinance did not change North Carolina law and did not take away the right to eminent domain from the current or future Boards. Mr. Sides recalled that the County Manager had recently mentioned the possibility of using eminent domain to take an individual's property for locating a jail site. Mr. Sides commented on the Town Creek Project (Project) and said he felt Rowan County had "built a sewer line to

nowhere". Mr. Sides said property was taken by eminent domain from approximately 39 property owners to extend sewer down Town Creek. Mr. Sides said there was no industry being built, no job creation, or no businesses in dire need of sewer services. Mr. Sides said the Project was for economic development and the County had signed the document indicating that once the Project was completed, the property would be turned over to another entity, the City of Salisbury. Mr. Sides estimated the County's investment in the Project to be \$3 million. Mr. Sides said he would like to see the County take further action since the text amendments did not keep the Board from using eminent domain to take property.

- Dale Wagstaff said he was not opposed to greenways but rather the methods that could be used to obtain property for greenways. Mr. Wagstaff referred to an article written by an anonymous author in the Salisbury Post, which implied that Rowan County had a stubborn mindset towards greenways. Mr. Wagstaff said while eminent domain might not have been used for acquiring property for greenways in Rowan County, there were many examples of areas in North Carolina where eminent domain was used for greenways. Mr. Wagstaff read information regarding a greenway in Carrboro and the use of condemnation. Mr. Wagstaff said the anonymous author in the Salisbury Post was upset since people in Rowan County had started to look into things that were forced upon them before, either due to lack of public awareness, lack of public education or people not understanding. Mr. Wagstaff said citizens do not appreciate when a government entity literally steals private property.

With no one else wishing to address the Board, Chairman Ford closed the public hearing.

Chairman Ford inquired if there was a way to put more "teeth" into the ordinance. County Attorney Jay Dees said the text amendments were a statement of intent that the Board did not intend to use eminent domain for the purposes listed.

Commissioner Barber said the County needed to work with its state legislators to get state statutes regarding eminent domain changed.

Commissioner Barber moved adoption of the proposed text amendments to Chapter 2 of the Rowan County Code of Ordinances. The motion was seconded by Commissioner Hall.

Commissioner Hall asked if the text was "as strong as we can make it". Mr. Dees said as far as the binding nature of the text, "this is about all you can do". Mr. Dees said it was the Board's prerogative of whether the Board wanted the text to include a more comprehensive list of what the Board would not use eminent domain for. Mr. Dees said the Board could either adopt the text and look at



subsequent amendments, or send the text back for further study to include a more exhaustive list.

Chairman Ford preferred to adopt the text and possibly add more changes later.

Commissioner Coltrain asked if item 3 in Section 2-254 contradicted item 2 in Section 2-250. Mr. Dees responded that Section 2-250 prohibited the use of eminent domain and taking of property for economic development. Mr. Dees said exceptions were programs that did not involve taking of property but involved more the expenditure of money for economic development or redevelopment, or participating in low and moderate income housing programs. Mr. Dees said he read the text to mean the programs more financial in nature, as opposed to taking of property for economic development.

Commissioner Coltrain clarified that the taking of property “was not taking it without compensation to the landowner”. Commissioner Coltrain agreed the process needed to be looked at but added that he would never vote in favor of using eminent domain for a bicycle or walking trail. Commissioner Coltrain said he did not want to “box” himself out by saying he would never use eminent domain for an industrial site that would provide employment for a significant number of people with benefits to all, including the landowner. Commissioner Coltrain said he could not support the text amendments.

Upon being put to a vote, the motion on the floor passed 3-1.

Chairman Ford stated that the Code of Ordinances required a second reading for proposed text amendments that were not unanimously approved and that the text amendments would be considered again at the next meeting on March 15, 2010.

## **5. PUBLIC HEARING FOR Z 01-10**

Planner Andy Goodall provided the staff report regarding Z 01-10. Mr. Goodall explained that Mr. Dale Perry and Mr. Thomas Strider owned tax parcels 246 385 and 246 392 located along the 8300 block of Smith Road, Kannapolis, NC, one mile from the intersection of Enochville Avenue and Smith Road. The parcels were part of the Brookwood Mobile Home Park proposed by Eddie Phillips in 1997; however, Mr. Phillips passed away before any of the work began on the park. A final inspection of Brookwood on December 10, 2001 indicated that the park had never opened. Since that time, the parcels were sold and doublewide mobile homes were placed on each parcel. Currently, both parcels and a strip of tax parcel 246 199 owned by Chad Thomas (7.7 acres) were zoned Manufactured Home Park (MHP).

Mr. Goodall said Mr. Perry requested to rezone the 7.7 acres from MHP to Rural Agricultural (RA), which was the zoning classification for the majority of the surrounding area.

Mr. Goodall said Staff recommended approval of the request. Mr. Goodall said the Planning Board also recommended unanimous approval of the request.

Chairman Ford opened the public hearing to receive citizen input regarding Z 01-10. With no one coming forward to address the Board, Chairman Ford closed the public hearing.

Commissioner Barber moved approval of the Statement of Consistency. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Statement of Consistency read as follows:

The request for the rezoning of the 7.7 acres from Manufactured Home Park (MHP) to Rural Agricultural (RA) is consistent with the Western Area Land Use Plan and the general character of the area.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve Z 01-10 carried unanimously.

#### **6. PUBLIC HEARING FOR Z 16-00 AND CUP 07-00**

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for Z 16-00 and CUP 07-00 to be in session. Chairman Ford said the hearing would focus on an application submitted by Carolina Sand for property located off 1915 Grubb Ferry Road. The purpose of the application was to consider modifying an existing conditional use district boundary and a revised site plan for a sand dredging/mining operation located on a portion of Tax Parcels 300-049, 322-025, and 322-030.

The Clerk swore in those wishing to provide testimony in the case.

Shane Stewart, Senior Planner, presented the Staff Report (Exhibit B) and a power point presentation (Exhibit C). Mr. Stewart explained that on September 18, 2000, the Board of Commissioners approved Z-16-00 and CUP 07-00 for rezoning of 26 acres from Rural Agricultural (RA) to Industrial with a conditional use district (IND-CUD) to allow a sand mining operation located off 1915 Grubb Ferry Road north of the City of Salisbury's wastewater treatment plant near the confluence of the Yadkin River and Grants Creek. The request was granted based on compliance with four (4) conditions indicated in Attachment A of the Staff Report (Exhibit B).

Mr. Stewart said Carolina Sand did not proceed with the operation as planned but had recently contracted with Blue Ridge Environmental Consultants to assist them with a revised application. Mr. Stewart said as indicated in the Rowan County Zoning Ordinance, a site-specific plan provided the applicant two (2) years to start construction and also indicated that changes to an existing conditional use district must be addressed in the same manner as the original.

Mr. Stewart said a Statement of Reasonableness and a Statement of Consistency were necessary before making a decision to approve or deny the request.

Mr. Stewart reported that the Planning Board voted unanimously to recommend approval of the request subject to four (4) conditions within staff's recommendations.

Staff recommended approval of the request subject to the following conditions:

1. Obtain all necessary state and federal permits prior to construction (mining, stormwater discharge, wetlands impacts).
2. Submit sufficient evidence to comply with the Flood Damage Prevention Ordinance compliance prior to construction.
3. Submit approval from AT&T should any activity extend within their fiber optic right-of-way.
4. Planning Staff shall review and approve the final site plan prior to development.

Mr. Stewart said he had provided a suggested list of Findings of Fact (Exhibit D) to the Clerk just prior to the meeting. At this time the Findings of Fact (Exhibit D) were distributed to the Board.

Chairman Ford asked if the applicant wished to make any comments and Derek Goddard with Blue Ridge Environmental Consultants, Inc. came forward. Mr. Goddard represented Carolina Sand, Inc.

Mr. Goddard said Mr. Stewart had explained the operation well and that he would be glad to answer any questions from the Board.

Commissioner Coltrain asked Mr. Goddard if he was able to market all the sand dredged and the applicant responded yes. Mr. Goddard said APAC was the company's number one client for asphalt and concrete production.

Commissioner Barber asked Mr. Goddard if he had seen an increase in the market and he responded that the market had been pretty stagnant of late. Mr. Goddard added that the stimulus package and additional paving let by the Department of Transportation showed promise for the spring.

With no further testimony to be provided, Chairman Ford closed the public hearing.

Commissioner Barber moved approval of Z 16-00. The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Barber moved adoption of the Statement of Reasonableness and Statement of Consistency as provided in the Staff Report (Exhibit B). The motion was seconded by Commissioner Coltrain and passed unanimously.

The Statement of Reasonableness and Statement of Consistency read as follows: Statements of reasonableness and consistency were developed noting the plan fits with the wastewater treatment facility and other uses in the area; will benefit the public; and it is in keeping with the land use plan.

Commissioner Barber moved adoption of Staff's recommendations as listed on page 5 of the Staff Report (Exhibit B). The motion was seconded by Commissioner Coltrain and carried unanimously. The Staff recommendations were listed as follows:

1. Obtain all necessary state and federal permits prior to construction (e.g. mining, stormwater discharge, wetlands impacts).
2. Submit sufficient evidence to comply with the Flood Damage Prevention Ordinance compliance prior to construction.
3. Submit approval from AT&T should any activity extend within their fiber optic right-of-way.
4. Planning Staff shall review and approve the final site plan prior to development.

Commissioner Barber moved adoption of the suggested Findings of Fact (Exhibit D). The motion was seconded by Commissioner Coltrain.

Commissioner Barber read the Findings of Fact (Exhibit D) as follows:

1. That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

**FACT:** The approved NCDOT commercial driveway permit suggests this site provides a safe access adequate for the intended use.

**FACT:** Compliance with necessary state and federal permits relating to mining operations are designed to ensure public health and safety standards are maintained.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

**FACT:** No material evidence was presented suggesting this request would injure property values.

**FACT:** Removal of excess sediment will benefit wastewater treatment operations by helping to reduce clogging around the effluent diffuser and allow for a better mixture of the discharge.

3. That the location and character of the development in accordance with conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

**FACT:** Proposed operations would meet the dimensional requirements for RA zoned properties, which further suggest the compatibility of this request with rural locations.

**FACT:** In 2000, the Board of Commissioners deemed a similar request was compatible with the surrounding properties.

**FACT:** Operations and associated impacts will largely be evident only from the City of Salisbury and Alcoa properties as identified in the staff report.

Upon being put to a vote, the motion to adopt the Findings of Fact (Exhibit D) passed unanimously.

Commissioner Barber moved, Commissioner Coltrain seconded, and the vote to approve CUP 07-00 passed unanimously.

## **ADDITION**

### **6a. CONSIDER REQUEST FROM ROWAN PUBLIC LIBRARY TO SUBMIT GRANT APPLICATION**

Rowan Public Library Director Jeff Hall said the state library was currently preparing a grant as part of the stimulus funding package. Mr. Hall said the grant scope was to identify 10 to 12 areas in the state with the highest unemployment rates and provide a grant package to those areas. The grant package would provide greater internet access to job seekers in libraries in the 10-12 places identified as having the highest unemployment rate. Mr. Hall said unfortunately, Rowan County and Salisbury had been identified as 1 of the top 12.

Mr. Hall said he had worked with the Information Systems Staff, and the state library had also made recommendations as to what would be helpful in serving those seeking jobs. Mr. Hall said it was determined that every lab should have broadband internet access capability.

Mr. Hall said new computer hardware, etc. would be provided at no cost to Rowan Public Library and the set-up costs of the Internet connection would also be paid for by the stimulus grant. Mr. Hall said the County would receive \$61,000 to fund the request and he explained that the first year costs to the County were zero, with the second and third years at \$7,200 annually.

After a brief discussion, Commissioner Barber moved approval for Mr. Hall to pursue the grant with the understanding that the first year was at zero cost and for the county to budget for years 2 and 3 at a cost of \$7,200 annually. The motion was seconded by Commissioner Coltrain.

Before voting on the issue, Chairman Ford expressed concern regarding the ongoing costs and also with items being presented for discussion at the Commission Meetings.

Upon being put to a vote, the motion passed unanimously (4-0).

**6b. SET PUBLIC HEARING FOR MARCH 15, 2010 TO CONSIDER PROPOSED TEXT AMENDMENTS TO ROWAN COUNTY FARMLAND PRESERVATION ORDINANCE (MOVED FROM CONSENT AGENDA)**

Commissioner Hall said there seemed to be significant changes in the proposed text amendments and that it appeared the changes went from “encouragement to policy”.

Commissioner Coltrain commented that the information had been placed on the agenda in order to set the public hearing.

Commissioner Hall felt the public should be informed regarding the request. Commissioner Hall mentioned several of the proposed changes and suggested that the Commissioners send the information to the Planning Department for review prior to scheduling the public hearing. Commissioner Hall put the suggestion in the form of a motion, which was seconded by Chairman Ford.

Chairman Ford said he would like to provide for the public hearing process through both the Planning Board and the Board of Commissioners.

Commissioner Coltrain said the ordinance was developed along the lines of the state ordinance for enhanced agricultural districts.

Commissioner Barber said he had no problem in sending the information to the Planning Board.

Upon being put to a vote, the motion on the floor passed unanimously.

**7. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board’s consideration:

- Health Department – Move approved Medicaid Escrow funds to pay for rental storage at SunTrust Bank on Avalon Drive - \$1,900

- Health Department – New Federal Title X funds for all local health departments. Funds will be used to purchase medical supplies - \$20,436
- Health Department – Increase in personnel cost for Smart Start Grant for FY 2009-10 (Healthy Beginnings) - \$14,998
- Library – State aid to public libraries has been reduced by the state. Rowan Public Library uses state aid to purchase books. The book expense account will be reduced to balance reduced revenue account - \$5,715
- Library – Smart Start Rowan has increased funding for the Stories to Grow Program to provide additional services and resources for home daycares and for the More at Four Programs. The position has been increased four (4) hours per week through the end of the year - \$7,702
- Library – Additional gift funds for the purchase of library material and other gift expense - \$4,982
- RTS/Senior Services – Budget RTS transportation donations for repairs and maintenance expenditures - \$5,000
- Finance – Appropriate insurance settlement to cover purchase of new RCSD vehicle to replace 2006 Toyota Highlander totaled in accident - \$19,865
- Social Services – Budget for increase in amount of federal funds received for Crisis Intervention payments and administrative funds for Rowan Helping Ministries. Amending contract to allow issuance of additional funds to clients in need of heating/cooling assistance. Administrative funds in the amount of \$19,275 were budgeted for staff to administer the Low Income Energy Assistance Program. Actual cost was \$16,116; the difference of \$3,159 is also being moved to allow Rowan Helping Ministries to utilize those funds if needed - \$201,083

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the budget amendments as presented passed unanimously.

## **8. CONSIDER APPROVAL OF BOARD APPOINTMENTS**

### **JUVENILE CRIME PREVENTION COUNCIL (JCPC)**

Darrius Campbell submitted an application to fill the Youth At-Large vacancy. The term would be for two (2) years beginning March 1, 2010 and expiring June 30, 2012.

Commissioner Barber nominated Darrius Campbell and the nomination passed unanimously (4-0).

### **NURSING HOME ADVISORY COMMITTEE**

Carol Cody asked to be removed from the Nursing Home Advisory Committee as she has taken a job working with local nursing homes. The Nursing Home Advisory Committee prohibits individuals who are employed by nursing homes served to be members of the committee. Ms. Cody's term ends September 30, 2012.

Commissioner Coltrain moved to accept the resignation of Carol Cody and the motion passed unanimously (4-0).

Mary Hartley and Ebony Edwards submitted applications for reappointment. The terms would be for three (3) years beginning March 1, 2010, expiring February 28, 2013.

Commissioner Barber nominated Mary Hartley and Ebony Edwards for reappointment. The nomination carried unanimously (4-0).

#### **ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Lillie Nelson and Ruby Parris completed their terms and did not wish to be reappointed at this time.

Eldred Wilson submitted a letter of resignation due to health reasons.

Commissioner Coltrain moved to accept the resignation of Eldred Wilson and the motion passed unanimously (4-0).

Carol Cody submitted an application for consideration. The term would be for one (1) year beginning March 1, 2010 and expiring February 28, 2011.

Terrall Bryan submitted an application for reappointment. The term would be for three (3) years beginning March 1, 2010 and expiring February 28, 2013.

Commissioner Coltrain nominated Carol Cody for appointment and Terrall Bryan for reappointment. The nomination passed unanimously (4-0).

#### **ZONING BOARD OF ADJUSTMENT**

Jack Fisher submitted an application for reappointment as an alternate. The term would be for three (3) years beginning March 1, 2010 and expiring February 28, 2013.

Commissioner Barber nominated Jack Fisher for reappointment. The nomination carried unanimously (4-0).

#### **9. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 5:15 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC  
Clerk to the Board